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protection of title of a purchaser at judicial sale, are to be liberally construed, but not to such an extent as to conflict with the legislative intent to safeguard the interests of infants.

[Ed. Note.—For other cases, see *Infants*, Cent. Dig. §§ 82, 83, 97; Dec. Dig. § 37.* 15 Va.-W. Va. Enc. Dig. 489.]

Sims, J., dissenting.

Appeal from Circuit Court, Buchanan County.

Suit between Brenham and others and Smith and others. From a dismissal of complainants' bill of review, they appeal. Reversed and rendered.

Chase & Daugherty, of Grundy, for appellants.

Flannagan & Boyd, of Grundy, for appellees.

CHESAPEAKE & O. RY. CO. *v.* MERIWETHER et al.

Nov. 16, 1916. Rehearing Denied Jan. 16, 1917.

[91 S. E. 92.]

1. Waters and Water Courses (§ 54*)—Freshets—Obstruction of Flow—Liability.—A railroad which, to protect its line, constructs a high embankment, several feet from the shore line at low-water mark, and narrowed the channel of a stream, is not liable therefor to a riparian owner whose land is damaged by the flood of an unusual and extraordinary freshet.

[Ed. Note.—For other cases, see *Waters and Water Courses*, Cent. Dig. § 209; Dec. Dig. § 54.* 13 Va.-W. Va. Enc. Dig. 681.]

2. Waters and Water Courses (§ 54*)—Freshets—Obstruction of Flow—Liability.—A railroad is within its rights on changing the location of its track from one part of its right of way to another to escape the danger incident to a "14 per cent. curve," and in constructing its embankment sufficiently high to protect its roadbed and other property from injury by accidental and extraordinary floods.

[Ed. Note.—For other cases, see *Waters and Water Courses*, Cent. Dig. § 209; Dec. Dig. § 54.* 13 Va.-W. Va. Enc. Dig. 681.]

Error to Circuit Court, Amherst County.

Action by one Meriwether and others against the Chesapeake & Ohio Railway Company. Judgment for plaintiff, and defendant brings error. Reversed and remanded.

Harrison & Long, of Lynchburg, for plaintiff in error.

Aubrey Strode, of Amherst, and *Wm. Beasley*, of Lynchburg, for defendants in error.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.